

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

May 8, 2019

The Honorable Wilbur L. Ross, Jr.
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Secretary:

I am writing to request a meeting to discuss the Department's refusal to produce documents pursuant to a subpoena authorized by the Committee on a bipartisan basis regarding your decision to add a citizenship question to the 2020 Census. I would like to meet with you in person, preferably in the next two weeks, to ensure that you are fully apprised of the actions of your staff and to determine whether there is any way to resolve this impasse before initiating potential enforcement action.

On April 2, 2019, after making repeated requests, the Committee voted to authorize a subpoena to compel the production of responsive documents by April 16, 2019. This subpoena was issued only after the Department failed to comply with multiple previous requests for these documents.

The Department sent no response by the subpoena's due date. Instead, on April 17, 2019, a Department official sent an email to Committee staff stating that the Department would not comply with the subpoena unless the Committee provides "the particularized information we have requested as to each identified document and how those documents relate to a legitimate legislative purpose."¹

The Department's insistence on an individual justification for each responsive document is wholly unwarranted. The Committee has clearly and repeatedly explained its need for these documents, and the Committee has also accommodated the Department's interests by greatly narrowing the scope of its original document request, identifying 11 priority documents, and providing a detailed explanation for why the Committee needs to review these documents.

¹ Email from Staff, Department of Commerce, to Staff, Committee on Oversight and Reform (Apr. 17, 2019).

For example, on March 29, 2019, the Committee sent a letter describing the purpose of the Committee's investigation and how the priority documents identified by the Committee—the same documents identified in the subpoena—would further the Committee's investigation.²

The Department's refusal to produce these documents is obstructing and delaying the Committee's investigation. As a result, further investigative steps have become necessary. For example, the Committee is now seeking transcribed interviews with three current and former Department officials to obtain information necessary for our investigation.³

In order to try to resolve this matter, I would like to meet with you directly before taking any further action, and I would like to determine whether there is any way we can address our Committee's important oversight interests without further investigative steps or enforcement actions. I would encourage you to bring your counsel to this meeting so that we can discuss various options in an efficient and effective manner.

Please contact Committee staff at (202) 225-5051 to schedule this meeting.

Sincerely,



Elijah E. Cummings
Chairman

cc: The Honorable Jim Jordan, Ranking Member

² Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Secretary Wilbur L. Ross, Jr., Department of Commerce (Mar. 29, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-29.EEC%20to%20Ross-DOC.pdf>).

³ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Earl Comstock, Deputy Chief of Staff and Director of Policy, Department of Commerce (May 7, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-07.EEC%20JR%20to%20Comstock-DOC%20re%20TI.pdf>); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Peter Davidson, General Counsel, Department of Commerce (May 7, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-07.EEC%20JR%20to%20Davidson-DOC%20re%20TI.pdf>); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to James Uthmeier (May 7, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-07.EEC%20JR%20to%20Uthmeier%20re%20TI.pdf>).